

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE June 26, 2002
TIME 7:00 P.M.
PLACE CO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Mark Hermodson
Ed Weast
Steve Clevenger
Jean Hall
Ralph Webb

STAFF PRESENT

Kathy Lind
Krista Trout
Larry Cuculic, Atty.
Julie Holder

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 26th day of June 2002, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Mark Hermodson called the meeting to order.

I. APPROVAL OF MINUTES

Ralph Webb moved to approve the minutes of the May 22, 2002 public hearing. Jean Hall seconded and the motion was carried by voice vote.

II. NEW BUSINESS

Kathy Lind informed the Board that **BZA-1612—DANIEL JR. & CECILIA E. LUCE** had been withdrawn by the petitioner and the Board needed to take no action. She stated that James Hawley and Sallie Fahey were on vacation so she and Krista Trout would be presenting the cases.

III. PUBLIC HEARING

Ralph Webb moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the Bylaws of the Area Board of Zoning Appeals, the application and all documents filed therewith, the staff report and recommendation on the application to be heard this evening, and responses from the checkpoint agencies. Jean Hall seconded and the motion carried by voice vote.

Mark Hermodson briefly explained the meeting procedures.

1. **BZA-1605—DANIEL JR. & CECILIA E. LUCE:** Petitioners are seeking a special exception to allow a breeding kennel for dogs operating seven days a week by appointment only, located on a 10 acre tract at 1750 N. East County Line Rd., Perry 13(NE)23-3. (UZO 3-2) CONTINUED FROM THE MAY MEETING AT PETITIONERS' REQUEST. WITH CONDITION.

Ralph Webb moved to hear and vote on the above-described request. Jean Hall seconded.

Kathy Lind presented slides of the zoning map, aerial photograph and a revised site plan along with 3 photographs.

Krista Trout read staff comments along with a recommendation for approval.

Daniel Luce, petitioner, 1750 N County Line Road E Lafayette, IN 47905, stated they did not know they were in violation until he spoke with the Zoning Enforcement Officer. He explained that they would have indoor kennels with runs and would be surrounded by a fence. He stated the kennel would be heated. He stated the dogs would be kept inside and only be outside when they were exercising the dogs. He expressed his appreciation for the collie breed and that this would not be a puppy mill.

Krista Trout read the following letter into the record:

Harvey & Tina Bittle, adjacent property owners to the south, approval.

Jean Hall asked if the buildings were insulated.

Daniel Luce replied that they were insulated and soundproofed.

Jean Hall asked what dogs they would be selling.

Daniel Luce replied they have 3 sables and 3 tri-colors.

Jean Hall asked staff if this special exception would remain if it were sold to another property owner.

Kathy Lind said yes the special exception would still be valid if this property were sold to someone else.

Larry Cuculic agreed with that statement. He encouraged that if the petitioners were to sell the property to someone else that they be informed of the commitments and

conditions associated with the special exception so they would not be in violation with Zoning Enforcement.

Jean Hall asked which site plan they would be voting on.

Daniel Luce stated he would like the Board to vote on the site plan that was on the second page.

The Board understood which site plan they were to vote on.

The Board voted by ballot 5 to grant –0 to deny approving the request in **BZA-1605—DANIEL JR. & CECILIA E. LUCE.**

- is re-
1570
an R3
Austin
350 S, .3 mile
9(SE)22-4. WITH
2. **BZA-1613—LAFAYETTE BICKFORD COTTAGE, LLC:** Petitioner seeking a special exception (the prior special exception BZA- expired 5/23/02) to allow an assisted living facility (SIC 836) in zone, operating 24 hours a day 7 days a week, on Lot 1 in Colonies Subdivision, located on the south side of CR east of S 18th St. in the City of Lafayette, Wea CONDITION

Ralph Webb moved to hear and vote on the above-described request. Jean Hall seconded.

Kathy Lind presented slides of the zoning map, aerial photograph and site plan along with 1 photograph.

Krista Trout read staff comments along with a recommendation for approval.

Richard Eby, petitioner, 706 N. Lindenwood Drive Olathe, KS 66062, stated they did not build within the 1-year time limit because utilities were not at the site within that time. He stated now that utilities were available to the site they would like to build. He said they were a family-owned business and operated in several states. He asked for approval of the request.

The Board voted by ballot 5 to grant – 0 to deny approving the request in **BZA-1613—LAFAYETTE BICKFORD COTTAGE, LLC.**

- following
existing
3. **BZA-1614—KELLY JOHN GOOD:** Petitioner is seeking the two variances to add a pitched roof with storage space to an non-conforming building:
1. To allow a 55' setback from the right-of-way of Sagamore Pkwy (UZO 4-2-2); and

2. To allow a 0' rear setback instead of the 15' required (UZO 4-2-2);

on property located at 527 Sagamore Pkwy W, on the west side of MCL Cafeteria in the City of West Lafayette, Wabash 7(SE)23-4.

Ralph Webb moved to hear and vote on the above-described request. Jean Hall seconded.

Kathy Lind presented slides of the zoning map, aerial photograph and site plan along with 3 photographs.

Krista Trout read staff comments along with a recommendation for denial of both requests. She read the following letters into the record:

Scott Snyder, West Lafayette City Engineer, approval of the requests.
Scott Snyder, West Lafayette City Engineer, approval of the requests.

Kelly Good, petitioner, 1710 Northwestern Avenue West Lafayette, IN 47906, stated he owns a small architecture business and would like to move into this building to increase the company's visibility. He stated the building currently had only one tenant and they would like to update the building to meet businesses' needs. He stated the improvements would be aesthetically pleasing. He presented a rendering of the proposed remodel. He stated they needed additional space in the attic to store their flat files. He stated they would also like to fix the non-compliance of the site. He stated the City of West Lafayette would like to see them update and move into the building. He asked for approval of the request.

Steve Clevenger asked how high the gabled roof would be compared to the current roof.

Kelly Good replied that the roof was currently 14 feet tall and the proposed roof would be 32 feet to the peak and that a 34-foot tall structure was allowed.

Steve Clevenger asked if this variance was allowed and the extra space in the attic was built, could the petitioner use this as leasable space.

Kathy Lind said it could be leased out.

Kelly Good stated this space could be leased but that was not the intent. He stated the business needed the storage for their flat files. He stated there would be no access from the attic and they do not want to use this as leasable space.

Jean Hall asked if Arby's had a flat roof.

Kelly Good stated it was a flat roof with a gable on the front.

Jean Hall pointed out that the other buildings had pitched roofs.

The Board voted by ballot 5 to grant –0 to deny approving the first request in **BZA-1614—KELLY JOHN GOOD.**

The Board voted by ballot 5 to grant –0 to deny approving the second request in **BZA-1614—KELLY JOHN GOOD.**

4. **BZA-1615—DAVID KOVICH:** Petitioner is seeking a variance to allow 15' front setbacks (from the right-of-way of the proposed street) instead of the required 25' on proposed Lot 96 and Lots 102 through 112 in The Orchard Subdivision Phase II (proposed), located on the north side of SR 26 W, 1/3 mile east of Klondike Rd. in Wabash 14(W ½)23-5. (UZO 4-2-2)

Ralph Webb moved to hear and vote on the above-described request. Jean Hall seconded.

Kathy Lind presented slides of the zoning map, aerial photograph and site plan along with 2 photographs.

Krista Trout read staff comments along with a recommendation for denial. She read the following two letters into the record:

William Hoover, 206 Connolly Street West Lafayette, IN 47906, approval.
Donald Mitchell, Purdue University West Lafayette, IN 47906, approval.

Daniel Teder, representing the petitioner, PO Box 280 Lafayette, IN 47902, stated they were asking for the 15-foot setback to save a line of trees. He presented some pictures of the property and pointed out the line of trees that petitioner wanted to save. He presented a vegetative analysis that petitioner had commissioned to do in an effort to retain as much of the natural vegetation as possible in the area. He stated the petitioner strongly feels that the trees improve the aesthetics and quality of the development. He stated the density is considerably lower than some of the other developments in the area. He pointed out the common area in the proposed development. He presented the restrictive covenants that would be enforced in the development. He presented the site plan that was received in the packet. He pointed out that Applegate Drive, the roadway in question, was a 28-foot wide drive and on either side would be water and drainage and sewer and after the row of trees there would be sidewalks adjacent to the utilities. He said they would like to retain the grove of trees for aesthetics. He stated this was the best plan available. He stated no one objects to this. He asked for approval of the request.

Ralph Webb asked how many trees would be cut down during construction.

Daniel Teder stated they would save as many trees as possible during construction because people would not want to buy the lots if the trees were removed.

Jean Hall asked who would be in control of the covenants.

Daniel Teder stated there would be a Homeowner's Association that would be in charge of the covenants and currently the developers were in charge of enforcing the covenants. He said that a minimal amount of trees would be taken out during construction and once the properties were purchased they would have to get an okay from the developers to take any trees down on their land.

David Kovich, PO Box 1623 Lafayette, IN 47902, stated he, his brother and wife would be the Architectural Board and before anyone builds on the lot the Board has to approve plans for construction and landscaping. He stated they were interested in keeping as many of the trees as possible on each lot.

Jean Hall asked how the 10-foot difference would save any trees.

Daniel Teder pointed out that if a house were setback 25 feet it would require taking out a lot more trees.

Jean Hall disagreed with that statement. He stated he did not see how the variance would save more trees. He stated his house was built amongst trees. He agreed that as many trees should be saved as possible but did not see how this variance would save trees.

Daniel Teder stated without the variance they would have to cut down more trees. He pointed out on the site plan the area he was talking about.

Jean Hall asked how far into the grove of trees the lot would go if the variance were not granted.

David Kovich replied that it depended on the lot. He said some lots were deeper than others and the tree line varies also. He stated he felt they were saving 20 feet of trees.

Steve Clevenger asked if the covenants were for every lot in the subdivision.

Daniel Teder answered yes and that the covenants had been recorded.

The Board voted by ballot 4 to grant – 1 to deny approving the request in **BZA-1615—DAVID KOVICH.**

YES

Mark Hermodson
Steve Clevenger

NO

Jean Hall

Ralph Webb
Ed Weast

Mark Hermodson stated that unless any member has an objection, the chair will order the findings of each member casting a vote for the majority decision of the Board to be the collective findings of the Board in support of the decision of the Board. Hearing none, it is so ordered.

IV. ADMINISTRATIVE MATTERS

No Administrative Matters.

V. ADJOURNMENT

Ralph Webb moved to adjourn the meeting. Jean Hall seconded and the motion carried by voice vote.

The meeting adjourned at 8:25 P.M.

Respectfully submitted,

Julie Holder
Recording Secretary

Reviewed by,

Kathleen Lind
Senior Planner